

SENATE.

WEDNESDAY, December 3, 1902.

Prayer by Rev. F. J. PRETTYMAN, of the city of Washington.

WILLIAM B. BATE, a Senator from the State of Tennessee; A. J. McLAURIN, a Senator from the State of Mississippi; JOSEPH L. RAWLINS, a Senator from the State of Utah, and JAMES P. TALIAFERRO, a Senator from the State of Florida, appeared in their seats to-day.

The Journal of yesterday's proceedings was read and approved.

REPORT OF THE SECRETARY OF THE TREASURY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Secretary of the Treasury on the state of the finances for the fiscal year ended June 30, 1902; which was referred to the Committee on Finance, and ordered to be printed.

ORDERS OF GOVERNOR-GENERAL OF CUBA.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of June 28, 1902, copies of the orders issued by the governor-general of Cuba from the date of the beginning of his administration up to May 20, 1902; which will be printed.

There is a very large volume of papers accompanying the communication, and the Chair thinks it is better to send them without printing to the Committee on Relations with Cuba, and then the committee can make such suggestion as it pleases.

Mr. CULLOM. I myself was about to make that suggestion, Mr. President.

REPORT OF MARITIME CANAL COMPANY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a copy of the report of the Maritime Canal Company of Nicaragua; which, with the accompanying papers, was referred to the Committee on Inter-oceanic Canals, and ordered to be printed.

GOVERNMENT PRINTING OFFICE.

The PRESIDENT pro tempore laid before the Senate a communication from Brig. Gen. G. S. Gillespie, Chief of Engineers, United States Army, transmitting the report of operations upon the new building for the Government Printing Office for the year ended November 30, 1902; which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LIST OF JUDGMENTS.

The PRESIDENT pro tempore laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting, pursuant to law, a statement of all judgments rendered by the court for the year ended November 29, 1902; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

FRENCH SPOILIATION CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law, filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relative to the vessel schooner *Success*, Jonathon Glover, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and law, filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relative to the vessel brigantine *Nancy*, John Moulton, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and law, filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relative to the vessel ship *Active*, Samuel Whitehouse, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and law, filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relative to the vessel sloop *Despatch*, Elias Hulen, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and law, filed under the act of January 20, 1885, in the

French spoliation claims set out in the findings by the court relative to the vessel brig *Dispatch*, Thomas Lunt, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and law, filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relative to the vessel sloop *Lucy*, George Gilbert, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and law, filed under the act of January 20, 1885, in the French spoliation claims, set out in the findings by the court relative to the vessel brig *Betsy*, John Choate, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and law, filed under the act of January 20, 1885, in the French spoliation claims, set out in the findings by the court relative to the vessel schooner *Sally*, Robert Atkins, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and law, filed under the act of January 20, 1885, in the French spoliation claims, set out in the findings by the court relative to the vessel schooner *Polly*, John Allen, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and law, filed under the act of January 20, 1885, in the French spoliation claims, set out in the finding by the court relative to the vessel schooner *Ulatia*, James Clifton, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, communicated to the Senate the intelligence of the deaths of Hon. R. C. DE GRAFFENREID and Hon. JOHN L. SHEPPARD, late Representatives from the State of Texas, and transmitted resolutions of the House thereon.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of the Illinois Chapter of the American Institute of Architects, praying for the enactment of legislation to admit free of duty into the United States paintings, statuary, etc., when more than fifty years old; which was referred to the Committee on Finance.

He also presented a petition of the Trades and Labor Council, American Federation of Labor, of Streator, Ill., praying for the passage of the so-called Grosvenor anti-injunction bill; which was referred to the Committee on the Judiciary.

He also presented a memorial of the Catholic Order of Foresters of St. Paul's Church, Chicago, Ill., remonstrating against the alleged treatment of friars in the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented a memorial of Local Union No. 16, United Brotherhood of Carpenters and Joiners, of Springfield, Ill., remonstrating against the action of the military department of California in employing regular soldiers to do work which should be done by mechanics; which was referred to the Committee on Military Affairs.

He also presented a memorial of the National Woman's Christian Temperance Union of Evanston, Ill., remonstrating against the admission into the Union of the Territories of Arizona and New Mexico; which was ordered to lie on the table.

He also presented the petition of Prof. Frank Russell, of Harvard University, Cambridge, Mass., praying for the restoration of the Bureau of American Ethnology to its former independence; which was referred to the Committee on the Judiciary.

Mr. BLACKBURN presented a petition of sundry citizens of Kentucky, praying for a reduction of the tax on distilled spirits; which was referred to the Committee on Finance.

Mr. KEAN presented a petition of the James Harksen Association, of Hoboken, N. J., and a petition of Local Lodge No. 239, Brotherhood of Railroad Trainmen, of Trenton, N. J., praying for the enactment of legislation to increase the salaries of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Typographical Union No. 71, American Federation of Labor, of Trenton, N. J., praying for the enactment of legislation providing for the control and operation

of coal mines by the United States Government; which was referred to the Committee on the Judiciary.

Mr. BURROWS presented a petition of the Farmers' Club of Howell, Mich., praying for the enactment of legislation to regulate the manufacture of shoddy goods; which was referred to the Committee on Manufactures.

He also presented a petition of the Woman's Christian Temperance Union of Detroit, Mich., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of Local Union No. 70, United Association of Journeymen Plumbers, Gas Fitters, Steam Fitters, and Steam Fitters' Helpers, of Grand Rapids, Mich., remonstrating against the enactment of legislation relative to the tax on beer in eighths; which was referred to the Committee on Finance.

He also presented a petition of Local Union No. 145, International Brotherhood of Electrical Workers, of Saginaw, Mich., praying for the passage of the so-called eight-hour bill; which was referred to the Committee on Education and Labor.

He also presented a memorial of the board of control of the State house of correction and branch prison, of Marquette, Mich., remonstrating against the enactment of legislation to restrict or prohibit the interstate transportation or manufacture of prison-made products; which was referred to the Committee on Education and Labor.

He also presented a memorial of the National Woman's Christian Temperance Union, of Evanston, Ill., remonstrating against the admission into the Union of the Territories of Arizona and New Mexico unless there is a restriction against the practice of polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 255, Retail Clerks' National Protective Association, of Traverse City, Mich., praying for the enactment of a Sunday-rest law for the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Michigan, praying for the enactment of legislation relative to the tax on distilled spirits; which was referred to the Committee on Finance.

He also presented a petition of the Southwestern Michigan Dental Society, of Lawton, Mich., praying for the enactment of legislation providing for the appointment of dental surgeons in the Navy; which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Charlesworth, Mich., and a petition of Local Grange No. 754, Patrons of Husbandry, of Kinney, Mich., praying for the enactment of legislation providing for the election of United States Senators by a direct vote of the people; which was referred to the Committee on Privileges and Elections.

Mr. NELSON presented sundry papers in support of the bill (S. 4429) granting a pension to Alvira Randall; which were referred to the Committee on Pensions.

Mr. PERKINS presented a petition of the Manufacturers and Producers' Association of San Francisco, Cal., praying for the appointment of a permanent tariff commission; which was referred to the Committee on Finance.

Mr. BARD presented petitions of the Board of Trade of Los Angeles, the Merchants' Association of San Francisco, and the Ship Owners' Association of the Pacific Coast, all in the State of California, praying for the enactment of legislation to provide an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented a petition of the Manufacturers and Producers' Association of San Francisco, Cal., praying for the establishment of a permanent tariff commission; which was referred to the Committee on Finance.

Mr. MITCHELL presented the petition of Dr. Elmore Y. Chase, of Salem, Oreg., praying that he be granted an increase of pension; which was referred to the Committee on Pensions.

He also presented the petition of Mortimer Hallet, of Washington County, Oreg., praying that he be granted an increase of pension; which was referred to the Committee on Pensions.

He also presented the petition of Henry H. Woodward, of Roseburg, Oreg., praying for the enactment of legislation to reimburse him for losses sustained by Indian depredations; which was referred to the Committee on Indian Depredations.

He also presented the petition of Avery E. Long, of Vancouver Barracks, Wash., praying for the enactment of legislation authorizing the Secretary of War to credit him with his actual service in the U. S. Army as continuous service; which was referred to the Committee on Military Affairs.

Mr. PLATT of Connecticut presented a petition of sundry citizens of Shelton, Conn., praying for the appointment of a permanent tariff commission; which was referred to the Committee on Finance.

Mr. FRYE presented a petition of the New York Board of Trade and Transportation, and a petition of the Merchants and Manufacturers' Board of Trade of New York, praying for the appointment of an additional United States district judge for the southern district of New York; which were referred to the Committee on the Judiciary.

CRIMINAL, PAUPER, AND DEFECTIVE CLASSES.

Mr. PLATT of New York. I present a paper prepared by Arthur MacDonald, specialist in the Bureau of Education, on statistics of crime, suicide, insanity, and other forms of abnormality in connection with the bills to establish a laboratory for the study of the criminal, pauper, and defective classes. I move that the paper be printed as a document.

The motion was agreed to.

CHAPLAINS IN THE NAVY.

Mr. HALE. I present a letter by a former Secretary of the Navy, Hon. John D. Long, relating to chaplains in the Navy, their rank and pay. I move that the letter be printed as a document.

The motion was agreed to.

I. WINSLOW AYER.

Mr. WARREN, from the Committee on Claims, to whom was referred the bill (S. 1904) for the relief of I. Winslow Ayer, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

DUPLICATE BILLS FROM COMMITTEE ON CLAIMS.

Mr. WARREN. By order of the Committee on Claims, I report back adversely from that committee and move the indefinite postponement of some forty-three claims bills, all of which have the same status. They are now before the Court of Claims, and therefore these duplicates should be so reported. I submit a report upon the bills. I move the indefinite postponement of all of them. If there is no objection, I ask that they may be separately noted in the RECORD without being read by title at the desk.

Mr. GALLINGER. They ought to be acted on separately. The PRESIDENT pro tempore. The Chair thinks the bills should be separately laid before the Senate.

Mr. HOAR. It seems to me that the final disposition of any measure ought to be made in open Senate, and that every bill should be read by title. It would do no harm in this case, but the establishment of a different practice might be very serious.

Mr. WARREN. Very well; let that course be taken. The PRESIDENT pro tempore. The Chair would so hold.

The bills were severally read by title and postponed indefinitely, as follows:

A bill (S. 2602) for the relief of the estate of Mrs. Nancy Eddins, deceased;

A bill (S. 84) for the relief of Emilie L. Major;

A bill (S. 211) for the relief of Secor & Co., Perine, Secor & Co., and the executors of Zenor Secor;

A bill (S. 348) for the relief of Horace Resley;

A bill (S. 386) for the relief of W. S. Atwood;

A bill (S. 433) for the relief of Mary Ann Nagle;

A bill (S. 434) for the relief of Achilles M. Haraway;

A bill (S. 435) for the relief of Jordan Broadway;

A bill (S. 442) for the relief of the estate of Alice Hardaway, deceased;

A bill (S. 764) for the relief of the estate of J. S. Douglass, deceased;

A bill (S. 771) for the relief of the estate of Turner Merritt;

A bill (S. 779) for the relief of John B. Boggs;

A bill (S. 837) for the relief of Mary Ann Miller, administrator of Whitty M. Sasser, deceased;

A bill (S. 852) for the relief of James A. Verret, administrator of Adolphe Verret, deceased;

A bill (S. 853) for relief of Simon Witkowski;

A bill (S. 859) for the relief of Mrs. Ozeine Boudreau;

A bill (S. 860) for the relief of Lemuel Tanner;

A bill (S. 862) for the relief of Mrs. Matilda M. Fairex, administratrix of Daniel Fairex, deceased;

A bill (S. 869) for the relief of Catherine M. Pritchard or her legal representatives;

A bill (S. 1081) for the relief of William Fowler, administrator de bonis non of Hickman Fowler, deceased;

A bill (S. 1462) for the relief of Jennie E. Haller, widow and administratrix of Samuel M. Haller, deceased;

A bill (S. 1583) for the relief of D. W. and Minna H. Glassie and Joseph C. Nash;

A bill (S. 1691) for the relief of the Seaboard and Roanoke Railroad Company;

A bill (S. 1702) for the relief of the estate of Henry M. Baker, deceased;

A bill (S. 1715) for the relief of George W. Rosenberger;

A bill (S. 1788) for the relief of R. M. Lay, administrator of Henry Lay, deceased;

A bill (S. 1854) for the relief of Thomas Dixon;
 A bill (S. 1855) for the relief of Eugene L. Derr, administrator of the estate of John Derr, deceased;
 A bill (S. 1860) for the relief of the estate of Elijah Thompson, deceased;
 A bill (S. 1862) for the relief of William A. Gordon, administrator of the estate of William D. C. Murdock, deceased;
 A bill (S. 1867) for the relief of Anna M. Anderson and Charles Y. G. Anderson, executors of George W. Anderson, deceased;
 A bill (S. 1870) for the relief of Anna M. Anderson and Charles L. G. Anderson, executors of George W. Anderson, deceased;
 A bill (S. 1871) for the relief of George Brewer;
 A bill (S. 2139) for the relief of John Q. Everson and others;
 A bill (S. 2144) for the relief of Catherine Winters;
 A bill (S. 2146) for the relief of inspectors of customs who performed double duty;
 A bill (S. 2147) for the relief of the heirs of Gottlieb C. Grammer, deceased;
 A bill (S. 2150) for the relief of Lorenzo Thomas, jr., and Henry C. Thomas;
 A bill (S. 2154) for the relief of the heirs and legal representatives of John Clemson and John C. Cookson;
 A bill (S. 2235) for the relief of customs inspectors;
 A bill (S. 2278) for the relief of George W. Craig;
 A bill (S. 3295) for the relief of Louise Stewart;
 A bill (S. 3698) for the relief of Clement Calhoun;
 A bill (S. 5110) for the relief of Stephen Bird, executor of John Bird, deceased; and
 A bill (S. 5340) for the relief of William Flannery.

OMNIBUS STATEHOOD BILL.

Mr. NELSON. I am instructed by the Committee on Territories, to whom was referred the bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States, to report it back with an amendment in the nature of a substitute providing for the admission of Oklahoma and Indian Territory as one State.

Mr. BATE. I wish the Senator from Minnesota would speak louder. We can not hear him on this side.

Mr. NELSON. I am instructed by the Committee on Territories to report back the House bill providing for the admission of Oklahoma, Arizona, and New Mexico as States of the Union with an amendment in the nature of a substitute providing for the admission of Oklahoma and Indian Territory as one State.

Mr. BATE. There is no report accompanying the bill?

Mr. NELSON. There is no written report. The committee have not had time to prepare a report.

Mr. BATE. Do I understand that the committee will yet prepare a report?

Mr. NELSON. The chairman of the committee will respond to that question.

Mr. BATE. The minority also desire time to prepare a report, as I presume there will be a report presented by the majority of the committee.

Mr. BEVERIDGE. It is certainly the expectation of the majority to present their views as soon as possible and that the minority will do the same.

Mr. BATE. The report should be made as soon as possible. On the 10th I understand the bill is to come up for action. It becomes the order of business on that day.

The PRESIDENT pro tempore. The Senator from Minnesota reports from the Committee on Territories a bill which will be read by its title.

The SECRETARY. A bill (H. R. 12543) to enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and State governments and be admitted into the Union on an equal footing with the original States.

The PRESIDENT pro tempore. The Chair hears no objection, and leave will be given to the committee later on to file a report, and also for the minority to submit their views. The bill will be placed on the Calendar.

HEARINGS ON PROPOSED EIGHT-HOUR LAW.

Mr. McCOMAS, from the Committee on Education and Labor, reported the following resolution; which was referred to the Committee on Printing:

Resolved, That the hearings on House bill 3076 had before the Committee on Education and Labor during the Fifty-seventh Congress be printed as a document, and that 300 additional copies be printed for the use of the committee.

THE COMMITTEE ON EDUCATION AND LABOR.

Mr. McCOMAS, from the Committee on Education and Labor, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Education and Labor be given leave to print hearings had before that committee.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Mr. DOLLIVER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6349) granting a pension to Mary D. Perry;

A bill (S. 6350) granting a pension to Inez McCullom; and

A bill (S. 6351) granting a pension to Ira K. Eaton.

Mr. HALE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Naval Affairs:

A bill (S. 6352) for the relief of laborers and mechanics injured, and the families of those killed, while employed at navy-yards or naval stations, through negligence on the part of other persons in the service of the United States;

A bill (S. 6353) fixing the age of admission to the Naval Academy;

A bill (S. 6354) increasing the number of boatswains, gunners, and warrant machinists to be appointed annually as ensigns in the Navy; and

A bill (S. 6355) to amend section 3648 of the Revised Statutes, relating to advances of public money in cases of contract and otherwise.

Mr. FAIRBANKS introduced a bill (S. 6356) granting an increase of pension to Idah I. Miller; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 6357) relating to currency for the Philippine Islands; which was read twice by its title, and referred to the Committee on the Philippines.

He also introduced a bill (S. 6358) to permit officers of the United States Army to serve as chief and assistant chiefs of the constabulary of the Philippine Islands; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WELLINGTON introduced a bill (S. 6359) for the relief of Mrs. S. C. Mitchell; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6360) granting a pension to Henry J. Hardy; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 6361) granting a pension to Emma Dean Powell; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. DEPEW introduced a bill (S. 6362) for the relief of William L. Best; which was read twice by its title, and referred to the Committee on Claims.

Mr. QUARLES introduced a bill (S. 6363) to repeal the act providing for the sale of timber and stone lands, the desert-land act, and the commutation provision of the homestead act; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. McCUMBER introduced a bill (S. 6364) granting an increase of pension to Austin Almy; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURNHAM introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6365) granting an increase of pension to John W. Currier;

A bill (S. 6366) granting an increase of pension to John Bartlett;

A bill (S. 6367) granting an increase of pension to Edmund P. Fox;

A bill (S. 6368) granting a pension to George D. Epps; and

A bill (S. 6369) granting a pension to Robert E. Wheeler.

Mr. BERRY introduced a bill (S. 6370) granting a pension to Alice F. Smalley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MORGAN introduced a bill (S. 6371) to provide relief for personal injuries sustained by the destruction of the United States battleship *Maine*; which was read twice by its title, and referred to the Committee on Claims.

Mr. McENERY introduced a bill (S. 6372) granting an increase of pension to Pauline M. Roberts; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BATE introduced a bill (S. 6373) granting an increase of pension to Joseph D. Lockhart; which was read twice by its title, and referred to the Committee on Pensions.

Mr. JONES of Arkansas introduced a bill (S. 6374) for the relief of the heirs of Benjamin F. Ball, deceased, late of Independence County, State of Arkansas; which was read twice by its title, and referred to the Committee on Claims.

Mr. CARMACK introduced a bill (S. 6375) for the relief of N. F. Palmer, jr., & Co.; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 6376) to amend section 764 of an act entitled "An act to establish a code of law for the

District of Columbia;" which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 6377) to confirm the name of Seward place for the space formed by the intersection of C street south and Pennsylvania and North Carolina avenues, District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. QUAY introduced a bill (S. 6378) for the relief of the estate of Richard W. Meade, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. NELSON introduced a bill (S. 6379) granting an increase of pension to Thomas P. Wentworth; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PETTUS introduced a bill (S. 6380) to amend an act approved March 3, 1899, entitled "An act to amend an act entitled 'An act to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain,' approved July 8, 1898," and so forth, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BURTON introduced a bill (S. 6381) to provide for the erection of a monument to the heroes of the civil and other wars; which was read twice by its title, and referred to the Committee on the Library.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6382) granting an increase of pension to Samuel Skelton;

A bill (S. 6383) granting an increase of pension to James H. Beddow;

A bill (S. 6384) granting an increase of pension to Alpheus Elliott (with an accompanying paper);

A bill (S. 6385) granting an increase of pension to Thomas G. Covell;

A bill (S. 6386) granting an increase of pension to Joseph Smith;

A bill (S. 6387) granting an increase of pension to Jonathan R. Blair;

A bill (S. 6388) granting an increase of pension to R. F. Nugent (with an accompanying paper);

A bill (S. 6389) granting an increase of pension to Luther Scott;

A bill (S. 6390) granting an increase of pension to Daniel Fike;

A bill (S. 6391) granting an increase of pension to Samuel McNinch (with an accompanying paper);

A bill (S. 6392) granting an increase of pension to James M. Murphy (with an accompanying paper);

A bill (S. 6393) granting a pension to C. E. Jones (with the accompanying papers); and

A bill (S. 6394) granting a pension to Mrs. Evart Ewing Munn (with an accompanying paper).

Mr. BURTON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 6395) to pay certain bounties to enlisted men afterwards promoted to be commissioned officers;

A bill (S. 6396) to restore John F. Lewis to the United States Army, with the rank of captain of infantry, and place him upon the retired list;

A bill (S. 6397) to remove the charge of desertion against William T. Grady (with the accompanying papers); and

A bill (S. 6398) to correct the military record of William Davidson (with an accompanying paper).

Mr. BURROWS introduced a bill (S. 6399) to amend an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also (by request) introduced a bill (S. 6400) for the regulation of scientific experimentation upon human beings and animals in the District of Columbia and elsewhere upon men belonging to the Army and Navy of the United States; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MITCHELL introduced a bill (S. 6401) for the relief of homestead entrymen upon the lands formerly included in the Siletz Indian Reservation in the State of Oregon; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 6402) authorizing the Secretary of War to credit Avery E. Long, first sergeant, Twenty-sixth Battery Field Artillery, United States Army, with his actual service from the date of his first enlistment; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6403) granting a pension to Henry A. Ridgeway (with an accompanying paper);

A bill (S. 6404) granting an increase of pension to Elmore Y. Chase; and

A bill (S. 6405) granting an increase of pension to Mortimer Hallet.

Mr. MITCHELL introduced a bill (S. 6406) for the relief of Henry H. Woodward; which was read twice by its title, and referred to the Committee on Indian Depredations.

Mr. PERKINS introduced a bill (S. 6407) to provide for the establishment of a life-saving station at Half Moon Bay, south of Point Montara and near Montara Reef, California; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 6408) to provide for a site for a depot for the Revenue-Cutter Service; which was read twice by its title, and referred to the Committee on Commerce.

Mr. DANIEL (by request) introduced a bill (S. 6409) for the relief of Robert G. Griffin, Catharine H. Harris, and Isaac P. Cromwell, administrator of Hannah T. Cromwell, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6410) for the relief of the trustees of Braddock Street Methodist Episcopal Church, at Winchester, Va.; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT of Connecticut introduced a bill (S. 6411) granting an increase of pension to James Cox; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT of Connecticut. On behalf of my colleague [Mr. HAWLEY], who is unable to be in the Senate, I introduce four bills.

The bills were severally read by their titles, and referred to the Committee on Pensions, as follows:

A bill (S. 6412) granting an increase of pension to John Adamson (with an accompanying paper);

A bill (S. 6413) granting a pension to Harold P. Waldo;

A bill (S. 6414) granting a pension to Nellie N. Taft; and

A bill (S. 6415) granting an increase of pension to Samuel J. Ratcliffe (with an accompanying paper).

Mr. GALLINGER introduced a bill (S. 6416) for the establishment and organization of a nurse corps of trained women nurses in the United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. SCOTT introduced a joint resolution (S. R. 183) creating a commission to investigate the present pension laws; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURROWS introduced a joint resolution (S. R. 184) to provide for the refitting of the revenue cutter *Fessenden*; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a joint resolution (S. R. 185) to provide for the construction of a new lock in the St. Marys Falls Canal, Michigan; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CULLOM submitted an amendment proposing to increase the salary of the United States consul at Breslau, Germany, to \$2,000, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. QUAY submitted an amendment proposing to appropriate \$10,000 for the purchase from Prof. Francis N. Thorpe of the manuscript for a new edition of charters, constitutions, and organic laws of all States, Territories, and colonies now or heretofore forming the United States, and any acts of Congress relating thereto, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

DECISIONS RELATING TO TRUSTS.

Mr. McCOMAS. I submit a concurrent resolution for the printing of decisions respecting trusts and ask that it be referred to the Committee on Printing.

The concurrent resolution was read by title, as follows:
A concurrent resolution relative to the printing of certain decisions of the Supreme Court and of the inferior Federal courts relating to trusts.

Mr. CULLOM. I will inquire of the Senator from Maryland if any provision is made for collecting the decisions?

Mr. McCOMAS. The resolution directs the Attorney-General forthwith to make a compilation and to print it forthwith. It can be done within a week.

Mr. CULLOM. I made the inquiry only because there did not seem to be anything read which indicated that it would be done.

Mr. MCCOMAS. It can be done in a week.

The concurrent resolution was referred to the Committee on Printing, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be prepared forthwith under the direction of the Attorney-General a compilation of all the decisions of the Supreme Court and of the inferior Federal courts relating to trusts or to the act known as the Sherman antitrust law, of which compilation 3,000 copies shall be for the use of the Senate, and 7,000 shall be for the use of the House of Representatives, and 1,000 for the use of the Department of Justice.

MALINE JOHNSON.

Mr. NELSON submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Maline Johnson, widow of Edward Johnson, late a messenger in the Senate of the United States, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

OMNIBUS STATEHOOD BILL.

Mr. PENROSE. I move that the Senate proceed to the consideration of the bill (H. R. 12199) to regulate the immigration of aliens into the United States.

The PRESIDENT pro tempore. The Senator from Pennsylvania moves that the Senate proceed to the consideration of the following bill—

Mr. QUAY. Before the question is put, for my own information, I desire to put a question to my colleague. As he knows, on Wednesday next, by the unanimous agreement of the Senate, what is known as the omnibus statehood bill comes up for consideration after the morning hour. The bill which he is now proposing to take up will undoubtedly occupy some time and create a good deal of discussion. I should be glad to know whether he proposes in any way to interrupt the unanimous-consent agreement made in regard to the statehood bill should this bill carry over that day.

Mr. PENROSE. I took it for granted that of course the agreement, made before our adjournment last spring, would hold and that this bill would yield. I am heartily in favor of the statehood bill, and of course would not desire to press this bill in a manner that would conflict in any way with the prompt consideration of that measure.

Mr. QUAY. Then I have no objection.

Mr. HOAR. Has there been a unanimous-consent agreement to take up the statehood bill?

The PRESIDENT pro tempore. There has—to make it the unfinished business December 10.

Mr. LODGE. It comes up at 2 o'clock on Wednesday?

The PRESIDENT pro tempore. At 2 o'clock, and not before.

Mr. HALE. It comes up as unfinished business?

The PRESIDENT pro tempore. As unfinished business.

Mr. HALE. There is no agreement as to the continuation of the business. It is then in the hands of the Senate.

The PRESIDENT pro tempore. It is then in the hands of the Senate.

Mr. HALE. But nothing can prevent it from coming up as the unfinished business on that day. I so understand it. I was present at the time the agreement was made, and it was fully understood then that at that time the bill would be laid before the Senate as the unfinished business. It is then in the power of the Senate.

Mr. HOAR. The reason of my inquiry had nothing to do with the particular bill to which the question related, but I supposed it was the practice to print on the Calendar, for the information of the Senate, all such understandings.

Mr. GALLINGER. It is printed on the Calendar.

Mr. HOAR. Is that upon the Calendar?

Mr. LODGE. It is on the first page.

The PRESIDENT pro tempore. On the first page of the Calendar a transcript from the RECORD will be found.

Mr. HOAR. The copy of the Calendar in my hands does not contain it.

Mr. HALE. Some of the copies do not have it.

Mr. HOAR. Then there are different editions of the Calendar. I have one which has no such note. It is not like the copy shown me by my colleague.

Mr. QUAY. Mr. President, my understanding was that not only the bill should come up at 2 o'clock on the 10th of December, but that it should be continued in order until disposed of. I would be glad to have the unanimous-consent agreement read.

Mr. NELSON. The RECORD shows it.

Mr. HALE. Let me say that I was present when the proposition was made, and it was not proposed in connection with it that the bill should be continued from day to day, but the Senate made it the unfinished business. I spoke to one or two Senators at the

time and said that there would be nothing which could prevent its coming up, but it would be then in the power of the Senate to do what it chose with it. The Senate did not make it a continuing order from day to day.

Mr. QUAY. I should be glad to have the RECORD read.

The PRESIDENT pro tempore. The RECORD has been sent for.

Mr. LODGE. It is here on the Calendar.

Mr. QUAY. My recollection is different.

Mr. HALE. It is copied here on the Calendar.

Mr. QUAY. Let us see the original.

Mr. HALE (reading):

Thereupon the Senator from Pennsylvania [Mr. QUAY] asked unanimous consent that on the tenth day, if the Senate is in session, and on the first day thereafter it may be in session if not on the tenth, the bill shall be made the unfinished business; and by unanimous consent the order was made.

The PRESIDENT pro tempore. The RECORD is now in the Senate, and if there be no objection the Secretary will read the RECORD.

Mr. CULLOM. Let it be read.

The Secretary read from the proceedings of June 25, 1902, as follows:

Mr. QUAY. I desire to mention, Mr. President, in connection with the notice I gave yesterday that hereafter no business should proceed in the Senate by unanimous consent while I was present in the Senate, that I had no desire nor have the majority of the Senate, who are with me upon this subject, any desire, nor have the minority of the Committee on Territories any desire, if it can be at all avoided, to interfere with the ordinary conduct of business and a speedy adjournment. We desire nothing from the majority of the Committee on Territories except some assurance of a day in court. It matters not to us if the committee will report the statehood bill at this session negatively, or without recommendation, or favorably. I appeal to the Senator from Indiana [Mr. BEVERIDGE] to say whether that can be done at the present session.

Mr. BEVERIDGE. Mr. President, as I stated the other day, the majority of the committee have already taken affirmative action looking to a consideration and report on the bill at an early day at the next session, and that resolution was made by the majority of the committee in perfect good faith. If what the Senator means is the fixing of a definite time early in the next session, I am willing to say that the committee will report on the bills now before it on the third day of the next session, if that is satisfactory to the Senator.

Mr. QUAY. That is satisfactory so far as I am concerned, and I speak for at least the Republicans who are disposed to vote with me to discharge the committee. It will be satisfactory to all, I think, and I will withdraw my motion, if there is connected with it the unanimous consent of the Senate to take up the bill on the 10th of December and make it the special order until disposed of.

Mr. ALDRICH. To make it the regular order, not a special order.

Mr. QUAY. Making it the regular order until disposed of.

Mr. BERRY. Making it the unfinished business.

Mr. QUAY. Making it the unfinished business until disposed of. The idea is to give it the right of way until we get rid of it. I ask the unanimous consent of the Senate to that arrangement, that it be made the unfinished business, and with that understanding I will withdraw the motion.

The PRESIDENT pro tempore. The Senator from Indiana has stated in open Senate that the Committee on Territories will report on the bill referred to by the Senator from Pennsylvania on the third day of the next session.

Mr. BEVERIDGE. That is correct.

The PRESIDENT pro tempore. Thereupon the Senator from Pennsylvania asks unanimous consent that on the 10th day of December—

Mr. QUAY. If the Senate is not in session on the 10th, then on the next session of the Senate thereafter.

Mr. BATE. That is on Wednesday.

Mr. ALDRICH. The Senate will be in session.

The PRESIDENT pro tempore. If the Senate is in session on that day, and if not the next day following when it is in session, the bill reported shall be made the unfinished business.

Mr. ALDRICH. That is right.

The PRESIDENT pro tempore. Is there objection?

Mr. BAILEY. Mr. President—

Mr. BATE. Mr. President, in reply to what was said by the Senator from Pennsylvania, as he seems to speak for the other side of the Chamber, I desire to say for the Democrats on this side of the Chamber, and I feel authorized to do so—that we are a unit in favor of the bill and desire immediate action if we could get it. Now, it seems that we can not get immediate action, and failing in that, I hope the proposition of the Senator from Pennsylvania will be accepted. I am upon that Committee on Territories, being the first named among the Democrats upon it, and I feel that I can, with both propriety and authority, speak for them in this behalf. Therefore we accept the proposition, as we can get no vote on the bill this session. I repeat that every Democrat in the Senate favors immediate admission into statehood of the Territories of Oklahoma, Arizona, and New Mexico, and regret we can not get immediate action on the bill.

The PRESIDENT pro tempore. Is there objection?

Mr. SPOONER. Mr. President, I intend, so far as I am concerned, to consent, but I consent, as one member of the Senate, because I think it is a fair proposition that a time should be fixed for considering the bill and not at all in view of the threat of the Senator that if this consent be not given the business of the Senate will be interfered with during the session. I hope the Senator from Pennsylvania will not put it in that way.

Mr. QUAY. The Senator from Pennsylvania did not put it in that way. I did give notice that I would insist upon taking up the bill and at the proper time would use all parliamentary rights to secure a vote on it. That was the notice yesterday. It was simply fairly and openly made in the Senate, that I would do what was done yesterday under the eyes of the Senator from Wisconsin.

Mr. SPOONER. I was not referring to what the Senator said yesterday, but I referred to what he said a moment ago.

Mr. QUAY. I certainly conveyed no threat, but simply asked unanimous consent to consider the bill.

Mr. ALDRICH. Has the agreement been made?

The PRESIDENT pro tempore. It has not. The Chair has been requested to restate it, and will state it again.

The Senator from Indiana, the chairman of the Committee on Territories, has stated in open Senate to-day that the committee will report on the Territorial bill, so called, on the third day of the next session of Congress. Thereupon the Senator from Pennsylvania asks unanimous consent that on the

tenth day, if the Senate is in session, and on the first day thereafter it may be in session if not on the tenth, the bill shall be made the unfinished business.

Mr. ALDRICH. That is right.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the order is made. (CONGRESSIONAL RECORD, June 23, 1902, p. 7337.)

Mr. QUAY. Well, Mr. President, the reading of the RECORD shows that thrice within five minutes I stated the proposition that this bill being taken up was to be the special order until disposed of. It was certainly my understanding, and I have no doubt it was the understanding of the members of the Senate at that time that that course was to be taken. Either the President of the Senate in stating the agreement to the Senate or the RECORD reporters omitted that portion of the agreement; that is all there is of it.

Mr. HALE. If the Senator will allow me, my recollection is very distinct that the Senator did propose, as stated, that the bill should not only be taken up, but kept before the Senate until finished; but objection to that arose, as the reading of the RECORD shows. I should not have given consent to that and the Senator from Rhode Island [Mr. ALDRICH] would not have agreed to it; but we did agree that the bill should be made the unfinished business, leaving it in the power of the Senate to deal with it when it came up. Upon that the President pro tempore of the Senate three times stated the proposition as it was finally journalized and as it finally appears; and the Senator from Pennsylvania, whether or not he intended to do so, did not further insist upon adding continuous action to that request.

Mr. JONES of Arkansas. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Arkansas?

Mr. HALE. Certainly.

Mr. JONES of Arkansas. The Senator has just made the statement that there was objection made to this proposition, but the Senator from Pennsylvania has shown by the RECORD that there was nothing of that sort in the RECORD.

Mr. QUAY. There was no objection.

Mr. HALE. The request was put as I have stated, and that was the reason there was no objection.

Mr. JONES of Arkansas. There was no objection, as shown by the RECORD; but the Senator from Tennessee [Mr. BATE] stated that the reason why he gave his assent to the proposition of the Senator from Pennsylvania was because we could not get an immediate vote on the bill. He at least understood the proposition of the Senator from Pennsylvania to mean that we should have a vote when the bill was taken up under the agreement; and there is not a word to the contrary in the RECORD.

Mr. HALE. I should certainly not have assented to a unanimous-consent agreement that the bill should be any more than the unfinished business. It was clearly so stated and it was so journalized.

Mr. FORAKER. Mr. President, we have heard the RECORD read and we know what it discloses. Whatever else may have been agreed upon, or may have been thought to have been agreed upon, it is made perfectly clear by this reading of the RECORD that the bill was made the unfinished business.

What is the meaning of "unfinished business?" Of course the Senate will have the right, if it sees fit to do so, to displace the unfinished business, but the unfinished business remains the business of the Senate until that is done.

I understood, I am frank to say, that at the time this agreement was entered into we made this matter not only the unfinished business, but we agreed that it should remain under consideration until disposed of. I got that impression from what the Senator from Pennsylvania so particularly stated. I was not aware at that time—and it has never been suggested until now—that "unfinished business" did not mean that a bill made the unfinished business should be before the Senate until the Senate disposed of it. Of course we can at any time cease to further consider it by voting it down, or otherwise disposing of it.

But it seems to me that the true intent of this agreement, as disclosed by the RECORD certainly—and that is fortified by the impression that I think Senators generally have—is that we made this bill the unfinished business, and that our agreement was to take it up and pursue its consideration until we finally disposed of it.

Mr. BATE. Mr. President, it was certainly my understanding that the bill was to be taken up and considered until it was finished—until a vote had been had upon it. We were struggling to get a vote upon it. The object of the Senator from Pennsylvania in making the motion was to secure a vote on the bill. He had the right to press the motion to secure a vote on the bill, but he waived that right until the 3d of December arrived, which is to-day. There can be no question in my mind that that was the intention. I participated somewhat in that debate, and the statement of the case by the Senator from Pennsylvania was made twice in my hearing. It was then near the

close of the session, and it was impossible to secure a final vote on the bill at that time.

I should like to have a construction of the language of the agreement by the Chair, as there seems to be a difference of opinion here, according to what the Senator from Ohio [Mr. FORAKER] says. Does it mean that the consideration of the bill shall only last one day, or that it shall continue until disposed of? I should like to have the opinion of the Chair as to what was agreed upon, because that will settle this question. The only question now, as I see it, arises from the fact that the Chair, in repeating the proposition of the Senator from Pennsylvania, left out from it the words "until concluded," as it was stated by the Senator from Pennsylvania two or three times. I should like to hear what the Chair has to say as to that.

The PRESIDENT pro tempore. The unfinished business will remain the unfinished business and be placed before the Senate every day at 2 o'clock, unless by a majority vote something else shall be made the unfinished business in its place.

Mr. BATE. That is the way I understand it.

Mr. BAILEY. Mr. President, I recall very distinctly what transpired in the Senate at that time, and I also recall that there was a slight difference between the request as preferred by the Senator from Pennsylvania and the request as stated by the Chair. I remember also that I arose to call the attention of the Chair to the fact that he was not stating the request precisely as it had been submitted by the Senator from Pennsylvania; but just as I rose to call attention to that fact the Senator from Tennessee [Mr. BATE] was recognized for the purpose of making the statement which the RECORD recites; then some one near me here inquired what I intended to do, or probably without any inquiry, I stated that there was a discrepancy between the statement as submitted by the Chair to the Senate and as preferred by the Senator from Pennsylvania. The general understanding here was that the request proposed by the Senator from Pennsylvania would prevail. Still, the request for unanimous consent as finally proposed to the Senate by the Presiding Officer and consented to by the Senate omitted that important qualification.

Mr. HALE. I think, if the Senator will allow me, as his mind always runs very fairly, that he will see that it would be a very extreme case, almost never agreed to, where the Senate would tie itself up and declare that, whatever the Senate might want to do at a given time, it shall only consider one matter until it is ended. The majority, if it is a majority, or the Senator from Pennsylvania, gets everything that any side of this Chamber ought to ask in having a bill made the unfinished business which is before the Senate and continues before the Senate until the Senate says it will take up some other matter. That is a very great privilege. It is very much more than having a special order made. Any of us who have dealt in legislation and parliamentary law in the Senate have found that a bill being made a special order amounts to nothing; that gives it no precedence; it may be ignored and passed over by anything; but the utmost that is ever asked or ever ought to be asked is that a subject be made the unfinished business. There it holds its place until the Senate, which has the power, as it ought to have, says that something else shall take its place.

I can only speak for myself. I saw all of this at the time. I should never have consented that the proposition as originally submitted by the Senator from Pennsylvania should have been agreed to so that we should tie ourselves up. Several Senators talked about it and said, "We can not agree to that." Finally, when the proposition was put, I clearly understood the Senator from Pennsylvania, when it was stated the last two times to the Senate, did not further make his point of having the bill continued from day to day; and upon that we all assented to the proposition. The RECORD is very clear. It is not very important, however, for if the Senator has the Senate with him he can hold this bill before the Senate ad infinitum.

Mr. CARMACK. But the question is, Did the Chair modify the request as originally preferred by the Senator from Pennsylvania?

Mr. HALE. The Senator from Pennsylvania did not insist upon his original request.

Mr. CARMACK. Was the request made by the Senator from Pennsylvania the request put by the Chair, or had the Chair any right to put it in any other form than that in which it had been proposed?

Mr. HALE. Of course the RECORD is the thing which controls in this matter. This thing went as a great many things go. It was, as it frequently is, difficult to get a positive unanimous-consent agreement about considering this subject-matter. It was understood at the time and talked over by Senators; and when finally the Chair put the proposition without the added clause, and put it twice, the Senator from Pennsylvania did not insist. A Senator near me says it was not for us to understand what the Senator from Pennsylvania thought or what anybody else thought, but we did understand what the Chair said. It is so journalized,

and it so appears in the RECORD, and I fancy nothing more can be done about it now. The Senator has got all the advantage, and if he has a majority of the Senate with him he can hold the bill before the Senate.

Mr. TILLMAN. Mr. President, with all due deference to my colleagues who know more about these matters than I do, it seems to me we are discussing a quibble. If unfinished business, as the Chair just announced, is not unfinished business, then what is the meaning of "unfinished business?" As the Senator from Maine [Mr. HALE] has just said, if a majority of the Senate want to continue this as the matter under discussion the minority can not take it away from them, and it is a question merely of a majority voting this matter out of the Senate or leaving it before the body.

Mr. HALE. That is right.

Mr. TILLMAN. So we are wasting time.

Mr. PETTUS. Mr. President, I do not desire to discuss this question, but I want some parliamentary information. A bill came from the House of Representatives, and on the motion of the Senator from Pennsylvania [Mr. QUAY] that bill was made the special unfinished business for a certain day. Is that the bill which is now before the Senate? Is not this a different bill to accomplish only a part of the same purpose? Is not this a bill—as its title was read—which might probably be called a Senate bill to admit one State instead of three States, and to take different territory from that proposed to be taken by the bill from the House? Has the Senate consented to consider this bill as the unfinished business, or was it rather not a bill of an entirely different origin?

Mr. HALE. Mr. President, some of us are very strongly opposed to this measure as it came from the other House, but we do not make any such point as that suggested by the Senator from Alabama [Mr. PETTUS]. This agreement, which has been journalized, should apply to whatever bill the Committee on Territories report to the Senate. We make no point that the agreement does not apply to the subject-matter that will appear before us on the 10th of this month.

Mr. QUAY. I think, Mr. President—

The PRESIDENT pro tempore. The debate is proceeding by unanimous consent. There is no question before the Senate.

Mr. QUAY. Mr. President, I think it is probable that the Senator from South Carolina [Mr. TILLMAN] and the Senator from Ohio [Mr. FORAKER] are correct, that practically it makes no difference whether the agreement, as I stated to the Senate, is or is not enforced by the Senate and placed upon the record. I have no desire at all, nor is it the desire of any of the friends of this bill, to occupy the time of the Senate with the proposition unless the majority of the Senate favor it. We shall be ready at the earliest time we are permitted to do so to take a test vote upon the bill. If a majority of the Senate signify their disapproval of the omnibus bill as it came from the other House, so far as I am concerned, I will abandon it; and I shall be very glad to take that vote in some form or other on the first day the bill appears here in the Senate—the 10th of December.

As to the proposition of the Senator from Alabama [Mr. PETTUS], the bill is, in its present shape, the bill which came from the House, with the Senate committee amendment striking out all after the enacting clause and inserting a proposition to admit the Territory of Oklahoma, one of the three Territories which were provided for in the House bill, and adding to it the Indian Territory. It is the same bill practically with that amendment, and it will come before the Senate as the original omnibus bill and take its place. That is my understanding. The first question will be on the amendment reported by the committee.

The PRESIDENT pro tempore. The Chair did not put the request made by the Senator from Pennsylvania in the form in which he originally proposed it, because if that request had been granted and the bill had been made a special order, any unfinished business would have displaced the special order. The Chair put the request which he supposed the Senator from Pennsylvania desired in the interest of the side he represented, and put it distinctly three times, so that if there had been any objection to it it could have been urged at the moment.

FIRST REGIMENT OHIO LIGHT ARTILLERY.

Mr. PENROSE obtained the floor.

Mr. FORAKER. I ask the Senator from Pennsylvania to yield to me for a moment.

Mr. PENROSE. For what purpose?

Mr. FORAKER. In order that I may make a motion for the appointment of a conference committee.

Mr. PENROSE. I yield to the Senator from Ohio for that purpose.

Mr. FORAKER. On one of the last days of the last session House bill 619 was considered by the Senate and passed with an amendment. The House has refused to concur in the amendment, has asked for a conference, and appointed conferees. I ask

the Chair to lay before the Senate the action of the House of Representatives.

The PRESIDENT pro tempore. The Chair lays before the Senate the action of the House of Representatives, disagreeing to the amendment of the Senate to the bill (H. R. 619) providing for the recognition of the military service of the officers and enlisted men of the First Regiment Ohio Volunteer Light Artillery, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. FORAKER. I move that the Senate insist on its amendment disagreed to by the House of Representatives, and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. FORAKER, Mr. PROCTOR, and Mr. COCKRELL were appointed.

REGULATION OF IMMIGRATION.

Mr. PENROSE. I renew my motion that the Senate proceed to the consideration of the bill (H. R. 12199) to regulate the immigration of aliens into the United States.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Pennsylvania to proceed to the consideration of the bill named by him. [Putting the question.] The "ayes" appear to have it, and the bill is before the Senate.

Mr. ELKINS. I should like to have the question again put on taking up the immigration bill.

Mr. PENROSE. The question was put and the Chair announced the decision.

The PRESIDENT pro tempore. Does the Senator from West Virginia demand another vote?

Mr. ELKINS. I should like to have the question again put.

Mr. LODGE. What is the question, Mr. President?

The PRESIDENT pro tempore. The question is on proceeding to the consideration of the bill known as the immigration bill, and the Chair will again put the question to the Senate. Will the Senate, on the motion of the Senator from Pennsylvania, proceed to the consideration of the bill known as the immigration bill? [Putting the question.] The "ayes" clearly have it, and the bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. PENROSE. I ask unanimous consent that the formal reading of the bill be dispensed with, and that it be read for the purpose of considering the committee amendments.

Mr. BATE. Has that bill been printed and placed upon the tables of Senators?

Mr. PENROSE. The bill was printed last spring.

Mr. BATE. That is a long time ago.

Mr. LODGE. The bill was reported last spring, was placed on the Calendar, and has been there with the report of the committee ever since.

Mr. BATE. Then I presume we can get copies of the bill. I suppose nearly everybody has forgotten about the bill in the meantime.

Mr. PENROSE. It is a House bill, and is altered very little from the form in which it came from the House. I ask unanimous consent that the formal reading of the bill be dispensed with and that the committee amendments be considered as they are reached in the reading of the bill.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the amendments reported to it by the Committee on Immigration shall first receive consideration. Is there objection?

Mr. BACON. Do I understand that under that proposition the bill will be read by sections for amendment?

Mr. PENROSE. Yes.

The PRESIDENT pro tempore. The bill will be read.

Mr. ELKINS. I want the bill read at length. I want to see what is in the bill.

Mr. PENROSE. The bill will be read.

The PRESIDENT pro tempore. Does the Senator from West Virginia object to the request of the Senator from Pennsylvania [Mr. PENROSE]?

Mr. ELKINS. I object, Mr. President.

The PRESIDENT pro tempore. Objection is made to the request of the Senator from Pennsylvania, and the bill will be read in full.

Mr. PENROSE. Then I make the motion.

Mr. GALLINGER. The Senator can not do that.

The PRESIDENT pro tempore. The bill will be read.

Mr. ELKINS. I withdraw my objection, as the bill has to be read anyway, and I have now a copy of it.

The PRESIDENT pro tempore. Is there objection to the request made by the Senator from Pennsylvania [Mr. PENROSE] that the formal reading of the bill be dispensed with, that it be

read for amendment, and that the amendments proposed by the committee shall first receive consideration? The Chair hears none, and that order is made.

The Secretary proceeded to read the bill, which had been reported by the Committee on Immigration with amendments.

The first amendment was, on page 1, section 1, after the words "duty of," at the end of line 3, to strike out "\$1.50" and insert "\$3;" so as to read:

That there shall be levied, collected, and paid a duty of \$3 for each and every passenger not a citizen of the United States, or of the Dominion of Canada, the Republic of Cuba, or of the Republic of Mexico, etc.

Mr. GALLINGER. I presume the question is on that amendment. Am I correct, Mr. President?

The PRESIDING OFFICER pro tempore. That is correct.

Mr. GALLINGER. I want to make an inquiry of the chairman of the committee or some member of the committee touching the necessity for increasing the amount from \$1.50 to \$3. I want, furthermore, to ask, who is to pay this \$3? I think under existing law the steamship companies are to pay it. Whilst I should judge from a casual reading of the first page of this bill that if this amount is increased and the bill is enacted into law as it stands, the railroads transporting passengers across the Canadian border, for instance, will have to pay \$3 for each immigrant that they transport, I would ask the chairman if that is correct?

Mr. PENROSE. This increase would practically fall upon the transportation companies, as it does now. The amount was increased because of the fact that the duties and labor imposed upon the Immigration Bureau under this bill are considerably increased and consequently the expenses are increased. It is not a vital principle of the bill whether the per capita tax is \$1.50 or \$3. The provisions of the bill will be enforced whether the amount is fixed at one figure or the other.

Mr. LODGE. Of course, as the Senator will understand, it comes out of the alien passenger. It is all charged to him, as a matter of fact, now.

Mr. PENROSE. I imagine that matter can be left to adjustment between the two Houses when the bill goes into conference.

Mr. GALLINGER. Well, Mr. President, I think I can agree with the Senator on that proposition. At the same time, there should be a well-defined reason given why this amount is increased from a dollar and a half to \$3, which is double the amount provided for in the House bill and double the amount that is now charged. I apprehend that we are not running in debt in this matter under existing law, and I do not think we ought to undertake to make money either out of the alien passengers or out of the transportation companies in a matter of this kind. I think I will agree with the Senator that the matter may be left to conference.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The amendment will be agreed to in the absence of objection.

Mr. GALLINGER. I had not concluded my sentence, if the Chair will indulge me a moment.

Mr. PENROSE. Mr. President—

Mr. GALLINGER. I will yield to the Senator when I conclude my sentence.

Mr. FORAKER. Is the bill now under consideration for amendment? A few moments ago when I went out of the Senate Chamber I understood the bill was taken up to be read for information. Now, if I correctly understood the statement from the Chair, we are considering the amendments to the bill with a view to adopting them.

The PRESIDING OFFICER. As the Chair understands, the present status of the bill is that it is before the Senate as in Committee of the Whole, and the committee amendments are to be acted upon as they are reached in the reading.

Mr. PENROSE. There are some amendments here which the committee will ask to have rejected.

Mr. FORAKER. Those amendments can be passed over, of course, if we are not prepared to act upon them.

Mr. PENROSE. Of course.

Mr. MCCOMAS. Do I understand that the bill is now being read for action upon the committee amendments and after they have been acted upon that other amendments will be in order?

Mr. LODGE. Exactly the same as is the case with every appropriation bill.

Mr. PENROSE. There is nothing unusual in the unanimous-consent agreement.

I will say for the benefit of the Senator from New Hampshire [Mr. GALLINGER] that I do not consider myself unalterably pledged to this amount of \$3. I shall be glad to consider the matter in conference and to do what is fair and proper under the circumstances.

Mr. GALLINGER. I will now conclude my sentence, if I can recall just what I was saying when the Chair took me from the floor.

I think, under the circumstances, I will not make any contention over this matter, although I can not for the life of me see the necessity for it. I will, however, leave it to the careful consideration

of the conference committee, and I am especially pleased to do so upon assurance of the chairman of the committee that he is not unalterably of opinion that this change ought to be made.

The PRESIDING OFFICER. Without objection, the first amendment reported by the committee will be regarded as agreed to.

Mr. HOAR. I wish to call the attention of the Senator having the bill in charge to a matter wherein I have no doubt he will agree with me. It is a point on which I think the bill, possibly, is not quite clear. That is, whether it is intended to impose this tax upon the minor children or the wife of an alien already here who has declared his intention to become a citizen.

Mr. LODGE. That is the law now. The tax is now collected on every immigrant.

Mr. HOAR. Very well. I think it should not be collected on the wife or minor children of such an alien. The provision in section 3 is that such alien lawfully admitted here—may bring into the United States to join him as members of his family his wife, his children under 18 years of age, and his parents or grandparents over 50 years of age, if they are otherwise admissible, whether they are so able to read or not.

My proposition is that under our naturalization laws a person who has in good faith declared his intention to become a citizen has a right to have his wife and minor children become citizens, too, and that the tax should not be imposed on them.

Mr. PENROSE. I will state for the information of the Senator from Massachusetts that the suggestion he makes would be an alteration of existing law.

Mr. HOAR. It ought to be altered.

Mr. PENROSE. If he will prepare such an amendment as he has in mind, I feel safe, speaking for the Committee on Immigration, in saying that we shall be very glad to consider it carefully, and if it is found desirable to insert it in the bill we will recommend it.

Mr. HOAR. I think the proper place to put that amendment would be in the amendment already proposed as section 3. Where it says that an alien lawfully resident in the United States may bring into the United States his wife and minor children, it should provide that he may bring them in without such payment. The language here is—

Mr. PENROSE. Mr. President—

Mr. HOAR. I should like to state my point.

Mr. PENROSE. Certainly.

Mr. HOAR. The alien who is here, with the authority or permission of the United States, on conducting himself properly for five years, to become an American citizen, and who is here in all respects conducting himself properly, ought not certainly to have such a tax put upon him. It is very hard on the immigrant to have a tax put on him in order to bring in his wife and minor children. We regard a person who has made his preliminary declaration as entitled to the national protection, so that the whole Army and the whole Navy are pledged to his protection. We settled that many years ago in the case of Martin Koszta, where we compelled an Austrian man-of-war to give him up, if I recollect aright the circumstances.

To levy a tax on such an alien to bring in his wife or children is an outrage. This immigration law, while it is popular in some quarters, contains enough in it, necessarily I dare say, for I am not criticising it, to constitute a pretty severe strain when we consider that after all the people who are coming in are human beings and not cattle, and to add to it the additional burden of imposing on a man who, for many purposes, is virtually a United States citizen if he comply with some conditions subsequent, a tax to bring in his wife and minor children seems to me utterly wrong.

Mr. PENROSE. I will ask the Senator from Massachusetts to prepare his amendment and offer it on the floor of the Senate, and I am sure we will give it every consideration.

Mr. HOAR. I suppose the Senate will.

Mr. PENROSE. The Senate will, too; but the committee would like to look into its effect and general scope.

Mr. GALLINGER. Before the first amendment is formally adopted, I wish a little information.

Mr. SPOONER. Will the Senator from New Hampshire permit the amendment to be again reported? I was not in the Chamber when it was stated.

Mr. GALLINGER. Certainly.

The PRESIDING OFFICER. The amendment now under consideration will again be stated for the information of the Senate.

The SECRETARY. It is proposed, in section 1, line 4, page 1, of the bill, to strike out the words "one dollar and fifty cents" and insert in lieu thereof "three dollars;" so as to read:

That there shall be levied, collected, and paid a duty of \$3 for each and every passenger not a citizen of the United States.

Mr. GALLINGER. I suggest that the amendment go over. I should like a little time to look into it.

Mr. LODGE. I ask that the amendment may be passed over.

Mr. PENROSE. All right.

The PRESIDING OFFICER. The amendment will be passed over. The reading of the bill will be proceeded with.

Mr. HOAR. I think a more proper place to consider the suggestion I made, although it is pertinent here, is section 3, printed in italics on the sixth page, and if the Senator will kindly agree that that shall go over with the other I will be obliged to him.

Mr. LODGE. When we reach it.

Mr. HOAR. I mean when we reach it.

Mr. PENROSE. When we reach it.

Mr. HOAR. We will have the understanding, then, that it shall be passed over.

The PRESIDING OFFICER. The reading of the bill will be proceeded with.

Mr. LODGE. I ask permission of the chairman to insert a committee amendment. After the word "not," in line 5, page 1, I move to insert "a resident or."

Mr. PENROSE. I accept the amendment.

Mr. COCKRELL. What is the amendment?

Mr. LODGE. The clause will then read:

For each and every passenger not a resident or a citizen of the United States.

Mr. HOAR. That will require looking after the Dominion of Canada. I suppose it is not proposed to except their residents who are not citizens.

Mr. LODGE. Oh, no.

Mr. HOAR. You will have to change that also.

Mr. LODGE. Yes. The amendment ought to read:

Not a resident of the United States or a citizen of the United States.

The PRESIDING OFFICER. The amendment proposed by the Senator from Massachusetts will be stated.

The SECRETARY. After the word "not," in section 1, line 5, page 1, it is proposed to insert "a resident or."

Mr. MORGAN. I move to amend by inserting in section 1, page 1, after the word "Mexico," in line 6, the following:

Or inhabitants of the Philippine Archipelago.

My reason for that is this: At the last session of Congress we passed a law for the government of the Philippine Islands, in which we denominated and enacted that the people of those islands were citizens of the Philippine Islands. Well, they are nondescripts. There are no such people known in the world except them. There is no one who is a citizen of an island any more than there is a citizen of a corn crib or a stock house. We put those words in. Those people are not within the exception to this section although they belong to us in some fashion or another. We have a bill of sale for them under the Paris treaty, but we do not know whether they are slaves or citizens or subjects or what they are.

Mr. BACON. I suggest to the Senator from Alabama that the same thing is true of the residents of Porto Rico, as similar legislation has been had with reference to them.

Mr. MORGAN. Let it read "or inhabitants of the Philippine Archipelago or Porto Rico." I will put in those words.

Mr. LODGE. They are not alien immigrants.

Mr. FORAKER. Mr. President, whatever else may be said as to the status of the Philippines and Porto Rico, it can not be said that their ports are foreign ports.

Mr. LODGE. They are not foreign ports.

Mr. FORAKER. The Supreme Court has decided that they are not foreign ports within the meaning of the revenue laws, and the reasoning and the conclusion I should think would be the same as to this matter. I call attention to the fact that the bill imposes this entrance fee only upon those who come as immigrants from foreign ports.

Mr. PLATT of Connecticut. Mr. President—

Mr. FORAKER. If the Senator from Connecticut will permit me for a moment, I wish to make a request with respect to this bill.

We have just assembled after a long vacation, and no one has had time, I take it, in the last day or two, in the hurry to which we have all been subjected, to read the bill and the report and the amendments as I should like to do before being called upon to act upon them. The bill has been taken up, and it can be taken up again to-morrow; and if the Senator who has the bill in charge would agree to let the bill go over until to-morrow, we should all have an opportunity to read the bill and the report and to study the questions raised by these amendments, and, as a result, we could act far more intelligently. I do not believe the Senator will make any substantial progress with the bill if he insists upon considering these amendments at the present time. In a hurried glance through the bill I observe quite a number of amendments on which I am not prepared to vote unless I can get light, as no doubt I would to some extent from their discussion. But it would be far more satisfactory to me and, I think, to Senators generally if we had time to read the bill and report and to know just what we were doing.

Mr. PLATT of Connecticut. Mr. President—

The PRESIDING OFFICER. The senior Senator from Alabama [Mr. MORGAN] is entitled to the floor. Does he yield to the Senator from Connecticut?

Mr. MORGAN. Certainly.

Mr. PLATT of Connecticut. I was about to inquire whether the amendment of the Senator from Alabama is in order at this time. It is not a committee amendment, and the order of the Senate was that the first reading of the bill should be dispensed with and the bill read for committee amendments.

Mr. MORGAN. No; it is to be read for amendments, committee amendments having preference.

Mr. LODGE. Yes.

Mr. PLATT of Connecticut. I do not think—

Mr. CULLOM. May I be allowed to say a word?

The PRESIDING OFFICER. The bill is in the Senate as in Committee of the Whole, the Chair understands, for the purpose of considering amendments proposed by the committee.

Mr. LODGE and Mr. CULLOM. Considering them first.

The PRESIDING OFFICER. After the bill has been read through and the committee amendments disposed of, individual amendments will be in order.

Mr. PENROSE. All I ask now, I will state for the information of the Senator from Ohio, is that the reading of the bill shall be proceeded with for the purpose of considering the very few amendments proposed to the bill as it passed the House. I shall not press it any further to-day.

Mr. FORAKER. But the amendments proposed—

Mr. LODGE. Any amendment can be passed over, but we can dispose of a great many formal amendments.

Mr. PENROSE. I am willing to pass over any amendment as to which question is raised.

Mr. CULLOM. I have no objection to that course.

Mr. PLATT of Connecticut. If I can get the floor for a moment, I wish to state that I fully agree with the Senator from Ohio. This is an important bill, and it is also important to know what the amendments are which have been proposed by the committee. I venture to say that no Senator has read this bill, certainly not until it was taken up, and if since, only in the most cursory manner, and no Senator is prepared to vote on the amendments. Some of them are extremely important, and we ought to have a little time to consider this matter before it is taken up and we are asked to vote upon these amendments.

I do not know any reason why we should be hurried in this way with the pending bill. I believe every Senator desires to improve our immigration laws, so far as they can be improved, but every Senator ought to know just what we are doing and he ought to have the opportunity to know it.

Mr. SPOONER. Mr. President—

Mr. PENROSE. If that is the opinion of several Senators, I ask unanimous consent that the bill may now go over, to come up for consideration immediately after the conclusion of the morning business to-morrow morning.

Mr. SPOONER. I rose for the purpose of inquiring how the bill got before the Senate to-day.

Mr. LODGE. On motion.

Mr. CULLOM. It was taken up on motion.

Mr. PENROSE. On motion.

The PRESIDING OFFICER. By a vote of the Senate. The senior Senator from Pennsylvania asks unanimous consent that the bill may go over until to-morrow, to be taken up immediately after the conclusion of the morning business.

Mr. HOAR. I desire to inquire of the Chair, although I suppose there is no doubt about it, whether when the committee amendments are considered amendments to them will be in order.

Mr. PENROSE. Of course.

The PRESIDING OFFICER. The Chair so understands. Is there objection to the request made by the senior Senator from Pennsylvania? The Chair hears none, and the bill will go over temporarily until to-morrow.

DEATH OF REPRESENTATIVES DE GRAFFENREID AND SHEPPARD.

Mr. BAILEY. I ask the Chair to lay before the Senate the resolutions of the House of Representatives relative to the death of Representatives DE GRAFFENREID and SHEPPARD.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The Chair lays before the Senate the resolutions indicated by the Senator from Texas, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES, December 2, 1902.

Resolved, That the House has heard with profound sorrow of the death of Hon. R. C. DE GRAFFENREID, late a Representative from the Third Congressional district of Texas, and of Hon. JOHN L. SHEPPARD, late a Representative from the Fourth Congressional district of Texas.

Resolved, That a copy of these resolutions be communicated to the Senate.

Resolved, That as a further mark of respect to the memory of these deceased members the House do now adjourn.

Mr. BAILEY. Mr. President, I move, as a mark of respect to the memory of the deceased members of the House, that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 1 o'clock and 33 minutes p. m.) the Senate adjourned until to-morrow, Thursday, December 4, 1902, at 12 o'clock m.